

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:35 PM on June 22, 1987, Chairman William Press presiding.

In Attendance were:

Beatrice Jaffe	Lou Bean	Jannie Stearns
Cosette Morley	Shaul Gladstone	Marianne Cinaglia
Virginia Shaw	Sally Thurston	Lee Starr
Lanier Colgan	Elizabeth Varley Walker	Frank Young
Sarah Hamburger	William Bailey	June Kleban
Don Berman	Joan Ware Colgan	Mike Curtis
Tim Colgan	James Schwaber	Steve Tanzer
Thomas E. Colgan	Cy Liberman	Kate Threefoot
John Grimaldi	George Kazan	Naomi Clark
Betty Knott	Eugene Shaw	Dane Miller
Rae Gerstine	Tony Colgan	Larry Walker
Jean K. Brachman	Connee Wright McKinney	Leon Tanzer
Steven A. Threefoot	Loretta Gallagher	Ethel Monfort
Maryellen Jobson	Clara Dossett	Harold Monfort
Bernard Brachman	Mary E. Irons	Bill Theis
Woody Vandever	Barbara Fenske	Pat Liberman
Alex Sykulski	Donald Holcomb	Aaron Hamburger
Ruth Bean	Ruth Holcomb	Ed Rohrbach
Hugh Roberts	Bertha Brooks	Temma Tanzer
Bill Press	Matthew Stearns	A. Barnes King
Pat Press		

Minutes of the March meeting were corrected by Frank Akutowicz.

In the Community Planning Committee report, p. 6, second paragraph, June 85 should read Sept. 85.

Between paragraphs 2 and 3 the consensus recommendations were actually read. Please insert:

1. Improvements made to Harvey Rd.'s surface and drainage be engineered in a manner that will not encourage more and faster traffic.
2. Harvey Rd. should continue to follow the natural contours of the land. We oppose major cuts and fills, more pavement, and widening the right-of-way.
4. We oppose the addition of curbs and gutters. Chestnut St. and Rte. #100 are proper guttering models for the shoulders on Harvey Rd.; they have well-maintained surface drains of riprap and stone.
5. We request and appreciate continued involvement with the DOT in all stages of planning and decision making regarding Harvey Rd.

On p. 6, the last 2 lines before the motion should read "All town guidelines are being observed in the contract. There will be a total pavement thickness of 4", the top 1" being porous, with gravel shoulders."

Ruth Holcomb questioned the Trustees' financial report. Should the amount of invested money be included? This is usually considered in the uncommitted reserve fund.

Minutes approved as corrected.

Communications

Letter received from the Hanby Corners Community Fire and Ambulance Assoc. The Association has decided to drop all attempts to establish an independent fire and ambulance company and thank all who were supportive of their cause. They enclosed a \$300 donation to the Buzz Ware Village Center with thanks for the use of the center for the last several years. They hope the donation will help insure the Center's use for other worthy causes.

Committee Reports

Trustees - Shaul Gladstone

The annual report has been prepared by Rick Sanderson of the accounting firm of Corcoran & Goldman, P.A., & is available for inspection.

New Castle County has requested that we request tax bills from them by means of magnetic tape. This has been prepared, is in the hands of the County finance department, & may serve to minimize discrepancies which have occurred in the past.

A request for division of a lot has been received. Such division is not consistent with long-standing policy. Notwithstanding the above, input has been requested from the Community Planning Committee. An answer to the request will be forthcoming shortly after such input is received. Needless to say, comments from all residents are welcome.

A printer has been acquired for the Village computer. It was the sense of the Advisory Committee that the computer should be installed in the office of the Village Secretary & this will be done as soon as possible. All officials & committees are encouraged to suggest computer projects which might simplify their work to either the Trustees or the Secretary.

The Trustees should be in a position to be able to nominate a third Trustee before the next Town Assembly.

Discussion:

*Will the village have input on the Trustees' nomination for a third Trustee? No.

*What is the status of the \$10,000 appropriated for the YMCA land? The \$10,000 is in the town surplus fund. WMA is still negotiating for the parkland. If the money is not spent during the next year, it will go into the unencumbered town surplus. The decision to spend the \$10,000 can only be reversed by a referendum.

*Community Planning Committee will be holding open meetings to solicit town opinion on guidelines for lot divisions & zoning variances.

Assessors - Cy Liberman - Six-page full report on file.

You will find that the assessors have again set three rates. As you know, three rates are in effect for this year's rents which became due last March 25. These were referred to as the A, B, and C rates. The current Board of Assessors decided to continue the A and C rates at their present levels for the next fiscal year, and to increase the B rate about 10 percent. These figures are on page four of the report.

Probably the most interesting feature of the report is the fact that it was adopted unanimously by a board which started out having divergent opinions. What changed many of those opinions

was evidence submitted to us. Mr. Gladstone reported to us on a comprehensive study of land values in Arden which he did, based on actual sales of houses, with the value of the land computed in each case on the basis of assessments made of land and buildings during the last county reassessment. This showed that smaller lots have a much higher value for each 1,000 square feet than larger lots, and that this differential is considerably greater than previously recognized. Furthermore, the study showed that the A and C rates currently in effect pretty well express that differential. The existence of a difference in value per 1,000 square feet between small and large lots was further confirmed by professional real estate appraisers in an appraisal arranged by Mike Curtis.

Our explanation of the three rates is a new feature, appearing on page 3. You will note that we explain rental value is affected by location, size and use of each leasehold. The A rate is the general location rate, reflecting the value derived from being located in Arden with all its amenities. This rate is applied to the first 6,500 square feet of each leasehold. The C rate applies to the rest of each leasehold, except those containing more than one dwelling unit. They get the B rate applied to area over 6,500 square feet, and we call this the multiple dwelling rate. It reflects the higher value of the use to which the land is being put.

Finally, on page 6 you will find examples of how the new rent schedule applies to lots of various sizes. You will see that the actual amounts are not far different from the rents charged for this year.

Discussion:

This report should be received at this meeting. Any opposition or alternative proposals should be presented at the September meeting. An alternative proposal must be approved by a 2/3 vote of the Assembly for it to be included in the referendum.

*Correction - Rate B, referring to multiple dwelling units, applies to dwellings not currently in use as well as to those in use.

*p. 3A - What do the words "fully developed village" mean? Does it mean the village is self-sufficient? That all lots are developed? No. Fully developed means that all amenities (water, sewers, electricity, roads, etc.) are present.

*What lot is described as being too small to build on? Betty Hahn Cirker's. This problem can be resolved if Mrs. Cirker requests that her two lots be combined.

*Why is there no garbage factor mentioned? Garbage is considered an amenity of Arden living. Though there is no set amount stipulated this year, the A rate remains the same.

*Why charge an empty lot for amenities? The A rate is based on the value of the land.

Buzz Ware Village Center - Connee Wright McKinney

The BWVC has evaluated bids for painting the exterior of the building and has awarded the contract to KBS Painting of Arden for the low bid of \$4765. As of last week (June 15) scraping and surface preparation has begun. KBS Painting might not be done by the time the ACRA summer program begins on June 29 so the ACRA Director has been told and we hope that any inconveniences to the program will be minor. This project will be paid from the remainder of our original Bicentennial Improvement Fund Grant of

\$11,800, half of which is in matching funds from the Village of Arden.

Our committee is postponing a report on the operating costs of the BWVC until the September town meeting. We have in hand most of the operating costs from WMA, but we have just received it and would like more time to carefully evaluate the figures. Any estimates at this time would be premature.

Marie Dugan, Director of WMA, in conversations with our Chairperson, Cy Liberman, has indicated that WMA will continue to use the building for at least four years. We are continuing to look at other programs in place in this area to get a more realistic idea of future uses of the building that would benefit the community.

A piano instruction group for mothers has been organized by Gladys Morris and nine participants are now meeting every other week on Wednesdays 6:30-7:30 PM in room 4, beginning July 8. The course is free and Mrs. Morris is volunteering her time. For more information, call Mrs. Morris.

Since the March Town Meeting, there have been 31 meetings and activities, including a Children's Easter Basketmaking group. On the Saturday before Easter, four carloads of children and adults and one Easter Bunny drove to Longwood Villa Nursing Home and delivered beautiful hand-made eggs and baskets. Also, a bridge group is now meeting every Friday in room 4 at 8 PM.

Our committee has had one surprise spring windfall of \$300 from the now disbanded Hanby Corners Fire Company. This group used the BWVC regularly for meetings and we thank them for their generous gift. We are asking for suggestions from the town for uses for the money; our committee is considering the purchase of additional plastic chairs for room 4 (basically to replace the vintage WWII folding chairs now there).

Civic - Gene Shaw

The St. Martins Lane project, with the exception of finish grading, is completed.

Some quarry waste may be stored at the back end of the BWVC overflow parking lot.

The committee has received several communications concerning water running across Meadow Lane. The problem is being resolved.

We will be doing some trimming of shrubs and removing some small trees coming up on the Greens.

The large oak by the well in the Memorial Garden is dying and must be removed. Should it be cut down to a stump or can we leave about 20 feet standing and cover it with vines? It will cost about \$1500 to bring in a big crane and remove it entirely.

The committee has checked with the Highway Dept. and found the work done by Delmarva at Marsh Rd. and the creek is well within the right-of-way.

Bids are being accepted for repaving Orleans Rd. from Harvey to the Millers Rd. triangle. We will get an estimate on Millers Rd. from St. Martins to Woodland, including spot patching.

We are considering plans for improving the drainage in the Memorial Grove and the Memorial Garden below the swimming pool. We are also looking at the ongoing problem of the Memorial Garden Pond. We plan a meeting with Mr. Askins of the New Castle County Conservation District re: the practicality & cost of ideas suggested by Civic and Community Planning Committees.

The committee is cooperating with Community Planning & Safety Committees on studying the advisability of installing speed humps on Millers Rd.

Notices will be sent to residents asking them to clean up their right-of-ways.

Moved by Elizabeth Varley Walker: That Civic Committee allow The Highway Ensemble, a Gild of the Arden Club, to leave the sand from their current production in the pit of the Frank Stephens Memorial Theater.

Discussion:

*Will the 3 tons of sand clog the storm drain? The storm drain is inoperative.

*ACRA will be putting down hay for the childrens play in August & doesn't mind the sand.

*The secretary will check with Chuck DeLong who will be using the theater for play in July. (Mr. DeLong did not mind.)

*Why not put top soil and seed over the sand?

*Arden gardeners would be able to use the sand.

Sense of the meeting - leave the sand.

Community Planning - Steve Tanzer

The woods cleanup went well. There appeared to be less trash than in previous years.

There are still a limited number of copies of the report to the town on trash that the committee developed. Please contact Steve Tanzer if you would like a copy of the report. Former Chairman Frank Akutowicz deserves the thanks of the town for the yeomanlike job he did in developing the information and putting the report together.

The Community Planning Committee, Civic Committee and Safety Committee are working together to determine what new traffic signs, if any, need to be installed in the community. We expect to be able to report back to the town by the September meeting.

Representatives of Community Planning met with representatives of Civic and Safety and other interested parties to address the drainage and beautification concerns over the lower part of the Gild Hall parking lot and the picnic area adjacent to the pool. It had been the committee's understanding that the Arden Club was to be represented at this meeting, however, the committee was disappointed to note that no Club representative attended. The committee believes that the Town needs to address this chronic drainage problem quickly, that it is incumbent upon the Arden Club to act responsibly in this matter, and that the project be done in a way that takes aesthetic needs into account.

As many in the town are aware, Governor Castle has recently introduced a package of legislation known as the Quality of Life Initiative. These proposals would make sweeping changes in land use regulation and attendant transportation concerns. The Council of Civic Organizations of Brandywine Hundred, of which Arden is a member, recently took the position opposing enactment of this package by the June 30 completion date favored by the Governor. Rather, CCOBH favors conducting a series of public hearings throughout the State to receive input. The Council expressed reservations that the proposals might make it more

difficult to challenge the traffic impact methodology used by DELDOT Zoning Chairman Robert Weiner, had these laws been in effect when Council was considering the proposed Brandywine Raceway rezoning, the rezoning likely would have been approved.

In addition to what has already been discussed, the committee has developed priorities for the next year. At the top of the list is doing something about the pond area below the springhouse in the Memorial Garden which is looking more and more like a rice paddy every day. It is not clear whether any of the plans that had been developed for this area two years ago are still feasible. However, the committee will be working on upgrading this eyesore and will report to the town in September.

The Trustees have asked the committee to consider advising the Trustees on zoning and variance matters impacting upon the town. The Trustees have also asked the committee to take up the issue of lot-splitting. The committee will be considering the Trustees' requests at upcoming meetings. We will make every effort to fully publicize these meetings to allow for maximum public input.

On behalf of the Community Planning Committee, I would like to publicly thank Frank Akutowicz and Cecelia Vore for their many years of dedicated service to this committee. Although there were times when we had our differences on particular proposals, the bottom line is that Arden is a better place to live in as a result of the countless number of hours that they have devoted to our community and we all owe them a debt of gratitude.

There is concern on the committee about safety at the corner of Orleans and Harvey Roads, particularly with so many children using it as a crossing point. There is interest in having a light installed at that intersection, particularly a light that could be operated by pushbutton to enable pedestrians to cross. Committee Chair Steve Tanzer met with Rep. Gwynne Smith to find out the proper procedure to explore having a light put in. As a result of her input, the committee hereby places the following motion before the Town Assembly.

Be it resolved that the Village of Arden hereby requests that Rep. Gwynne Smith ask DELDOT to conduct a traffic analysis for the intersection of Harvey Rd. and Orleans Rd. as a means of determining whether or not said intersection would qualify for a traffic signal

Motion Discussion:

Con: This will be the fourth time this issue has been studied; it has been turned down three times. Is it worth studying again?

Pro: Rep. Smith is concerned about the volume of traffic on Harvey Rd. The study needs to be done now while the swim team season is on, with particular attention to pedestrian traffic, particularly children. There was another accident there two weeks ago. It is a dangerous intersection for outsiders who don't know their way. Ask the Highway Dept. to study the accident history and factor in the school.

Ask the Highway Dept. to consider other deterrents such as a stop sign. Meanwhile, please trim back shrubbery at the intersection for better visibility.

Motion passed unanimously.

Report Discussion:

*Will the committees also consider speed humps on Sherwood Rd.? Both straightaways lead to speeding.

*The assembly voted a unanimous vote of thanks to Frank Akutowicz for his excellent job on the trash handling report.

Playground - Larry Walker

After the March Town Meeting elections, the committee met and organized itself. Larry Walker was elected Chairman, Mary Brent Whipple Secretary/Treasurer, and Lou Bean Maintenance Supervisor. Dane Miller has had to resign from the committee, so we are presently one member short.

During the past quarter, two new park benches were installed. One was installed on the Sherwood Green near the swings, the other near the baseball backstop on the Village Green. The required playground equipment inspections were made and any necessary repairs made. Additional mulch was added under the swings and other equipment.

The major maintenance project for this year is to resurface the basketball court behind the Buzz Ware Village Center. This will be coordinated with the Civic Committee road repairs so that both committees can benefit from having more work for the asphalt contractor to complete at the same time.

Registration - Virginia Shaw

There are 400 residents qualified to vote at this meeting.

At the March Assembly, as required by Charter, we conducted the regular election for executive committees. With the concurrence of the Assembly, we deferred ballot counting until the following Wednesday. The persons elected are:

Audit: Mary Irons, Marianne Cinaglia, & James Schwaber. Ken Sutton, runner-up.

Budget: Kate Threefoot, Linda Jobson, & Ruth Holcomb. Steve Tanzer, runner-up.

Buzz Ware Village Center: Connee McKinney, Cy Liberman & Aaron Hamburger. John Landis, runner-up.

Civic: Dane Miller, Carl Falco. Leon Tanzer, runner-up.

Community Planning: Ruth Bean, Sandra Hurlong & Sally Thurston. Pat Pyle, runner-up.

Playground: Lou Bean, Elizabeth Varley Walker & Mary Brent Whipple. Kevin Noonan, runner-up.

Registration: Lanier Colgan, Virginia Shaw, Beatrice Jaffe & Choe Morley. John Dossett, runner-up.

Safety: Tim Colgan, John Grimaldi. Sam Starr, runner-up.

Assembly Chairman - William Press

Advisory Chairman - Don Berman

Assembly Secretary - Sally Hamburger

Assembly Treasurer - Rae Gerstine

At the request of the Trustees, we conducted a referendum on their second nomination of Sally Hamburger to succeed Cy Liberman who resigned as Trustee. Three hundred of the 394 eligible on the opening date returned valid ballots, equally divided yes and no. Since the required majority was 198, the nomination failed.

Our committee found the delayed count on committee memberships far more satisfactory than our previous immediate counts. The Assembly had also asked us to offer suggestions for improvement. Because an independent committee to make proposals was authorized to do this study, we have tabled any further action of our own on that point, pending a report of the other committee and a possible tryout of the proposal.

Safety - Tim Colgan

The new committee members are Tim Colgan, Chairman, Don Berman, Tom Colgan, John Grimaldi & Barnes King.

We discussed the Delaware Emergency Evacuation Plan that had been presented to the Safety Committee at the January Town Assembly. Barnes King volunteered to research the nature of the plan with the appropriate officials and was put in contact with Clark Jester, Director of Emergency Planning. Mr. Jester told Barney that the emphasis for local communities should be on setting up a communication network, i.e. phone tree, to alert the residents in case of a localized emergency. This category would include chemical spills from trucks, freight trains, or other sudden events that require the immediate removal of the town people. Large scale evacuations for natural and nuclear disasters are being coordinated on the state level. The Safety Committee feels such a communications network is worthwhile; we will initiate a meeting with Ardentown & Arden croft Safety Committees, if the Town Assembly agrees, to study the situation and formulate a plan for town approval.

The Safety Committee has discussed the issue of speed humps and is in agreement that a plan should be formulated to install them at critical points. There are obvious speeding problems on Millers and Sherwood Rds. and there may be other problem roads worth considering.

Tom Colgan suggested using wooden posts instead of metal ones for sign supports. Some metal signs have been bent over in the past and this would not be a problem with treated 4X4 posts. Also, the cost of the wood is \$10/post as opposed to \$30 for the metal ones. Anyone who has seen the stop sign erected at the intersection of Millers & Hillside would agree that the wooden posts are also aesthetically pleasing.

The committee would like to re-activate the town watch. Members of Ardentown & Arden croft town governments have been contacted and agree that the watch should be started up again. Both communities want to participate. We are in the process of finding a person to coordinate the program. Anyone interested should contact a committee member. A notice has been placed in the upcoming Arden Page asking for a volunteer.

Barney King has asked Delmarva to mark the work areas for the gas line project more clearly.

Ad Hoc Committee AppointmentsRecords Examiner - Virginia ShawBallot Count Study Committee - Sally Hamburger & Rowena Austin

Sally reported that the committee recommends a redesign of the ballot, as suggested by Larry Walker, that will hopefully cut the vote count time from 3 hours to 2. The committee hopes the Registration Committee will give the new ballot a try next March.

Legislative Reference Committee - Gail Rinehart, Romeo Hubner & John Dossett.

The committee will be in effect at the September meeting. June Kleban is acting as Parliamentarian tonight.

Harvey Road Oversight Committee - Frank Akutowicz, John Demsey, Woody Vandever, & Larry Walker. No action to date.

Old Business

Motion that Arden go on record as being opposed to the counter-revolutions in Central America lifted from the table.

Discussion:

Con: Is this appropriate business for the Arden Town Assembly?
We should hear arguments on both sides before making a statement. The motion is too broad and could apply to any counter-revolution, not just to Nicaragua.

Pro: It is Arden's right to speak out on this issue.

Motion passed: 27 aye, 23 nay.

The committee appointed to research the purchase of a sound system recommends a purchase of 4 microphones, an amplifier & connecting equipment. The cost would be approximately \$600. Equipment to be used only for town meetings. The Trustees have indicated that the cost could be absorbed from the Trustees Administrative Fund.

Moved that the town purchase the recommended equipment with funds from the Trustees Administrative Funds. The Chairman of Town Assembly will appoint 2 caretakers to oversee the equipment, to take care of it, set it up, take it down & store it safely.

Discussion:

How about renting sound equipment? Buying it would include a 5 year warranty. If rented, someone would have to be responsible for the pick-up and return.

Motion passed unanimously.

Resolution of Clarification - Frank Akutowicz

The Town Assembly intends to comply with the corporate charter which defines the procedural course of government in Arden. The government of the village is vested in the Town Assembly. There is no executive and no judiciary. The executive function is distributed over numerous committees whose executive mandates are granted for specific purposes by the charter or by majority vote of the assembly.

The Town Assembly Chairman maintains an orderly debate in the assembly; formally signs certain documentary commitments for the Village without any responsibility (unless specifically granted by the Assembly) for their oversight, execution, or management; and makes formal appointments to committees defined and approved by the Assembly in each case.

In case of conflict among diverse mandates granted by the Assembly no mandatory ever has permission of the Assembly to nullify the work of another mandatory. Instead, the only permitted action is to bring the conflict before the Assembly for resolution. Since the Assembly reaches a decision by majority vote the minority constituency is thereby denied the right to defy the Assembly by initiating and promoting a conflict between mandatories. The always acceptable forum for governmental decision making is the floor of the Assembly.

This Resolution of Clarification is to be read and voted on at each March meeting before the Assembly elections.

Motion defeated.

Motion by Steve Threefoot

Moved that this assembly request that the following points be included in the rent bill sent to each leasehold by the Trustees in February or March of each year.

1. The assessed value of the improvements on the leasehold as determined by the County.
2. The county tax for the improvements on the leasehold.
3. The School Board Tax for the improvements on the leasehold.
4. A statement explaining that these are the assessed values by the county. In addition, the statement should indicate that each individual leaseholder has the right to challenge the assessed value and has the obligation to help lower the overall tax liability of the Trust.
5. A statement explaining that the leaseholder's tax liability is to the Trust, and that the Trust's tax liability is to the County. Thus, the leaseholder should NOT pay taxes directly to the County.

Discussion:

Con: The proposal would be expensive, time consuming & redundant to carry out. The information can be checked in Rae Gerstine's office. At the time of the last reassessment the Trustees successfully challenged quite a few assessments.

Pro: New Castle County sends the Trustees bills for each leasehold; the information is readily available. The Trustees will see what information can be included on the bills with the lease cost and work.

Motion withdrawn

Good and Welfare

The Secretary was instructed to send a letter to Frank Young thanking him for lending and setting up his sound equipment.

Meeting adjourned - 9:40 PM

Sally Hamburger